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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171111
Party	Defendant Los Rieleros del Norte, Inc. Los Rieleros del Norte, Inc. 12850 Montana Ave., #6 El Paso, TX 79938
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Date	07/06/2006
Attachments	Answer 2006 July 6.pdf ( 4 pages )(131467 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Ser. No. 78/668877  
For the mark LOS RIELEROS DEL NORTE  
Published in the Official Gazette on March 28, 2006

Federico Galindo

Opposition No. 91171111

vs.

Los Rieleros del Norte, Inc.

ANSWER

Los Rieleros del Norte, Inc., applicant in the above-referenced application, answers the Notice of Opposition of Federico Galindo as follows:

1. In response to paragraph 1 of the Opposition, Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Opposition and therefore denies each and every allegation of said paragraph.

2. In response to paragraph 2 of the Opposition, Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Opposition and therefore denies each and every allegation of said paragraph.

3. In response to paragraph 3 of the Opposition, Applicant lacks knowledge and information sufficient to form a belief as to the truth of the

allegations of paragraph 3 of the Opposition and therefore denies each and every allegation of said paragraph.

4. In response to paragraph 4 of the Opposition, Applicant denies each and every allegation of said paragraph.

In addition, Applicant interposes the following AFFIRMATIVE DEFENSES to the Opposition herein:

A. Applicant is informed and believes and thereon alleges that Opposer's notice of opposition fails to state a claim for which relief may be granted.

B. Applicant is informed and believes and thereon alleges that any purported assignment to Opposer is invalid for failure to transfer all applicable rights.

C. Applicant is informed and believes and thereon alleges that any purported rights obtained by Opposer were obtained through fraud upon Applicant.

D. Applicant is informed and believes and thereon alleges that any purported rights obtained by Opposer were obtained through the breach of fiduciary duties owing to Applicant.

E. Applicant is informed and believes and thereon alleges that any purported rights obtained by Opposer were obtained through the wrongful usurpation of a corporate opportunity belonging to Applicant, thus invalidating any purported transfer.

F. Applicant is informed and believes and thereon alleges that Opposer lacks standing to assert its claims against this Applicant, thus barring Opposer from the relief sought in his opposition.

G. Applicant is informed and believes and thereon alleges that Opposer and others that Opposer alleges to be in privity with him are barred in this opposition by the equitable principle of laches.

H. Applicant is informed and believes and thereon alleges that Opposer's claims in his notice of opposition are barred by the equitable principle of unclean hands.

I. Applicant is informed and believes and thereon alleges that Opposer's claims are barred by fraud, including without limitation fraud upon the trademark office.

J. Applicant is informed and believes and thereon alleges that Opposer and others that Opposer alleges to be in privity with him are barred in this opposition by the equitable principle of acquiescence.

K. Applicant is informed and believes and thereon alleges that as a result of the acts of Opposer and others that Opposer alleges to be in privity with him, Opposer is estopped from asserting any opposition herein.

L. Applicant is the senior user of the mark in the classification and description of services set forth in Applicant's application. Opposer's purported application, ser. no. 78/822166, is thus unavailing and inapposite.

WHEREFORE, Applicant Los Rieleros del Norte, Inc. prays that the  
Opposition herein be DENIED and that the Registration be issued to Applicant.

Dated: July 6, 2006

Respectfully submitted,



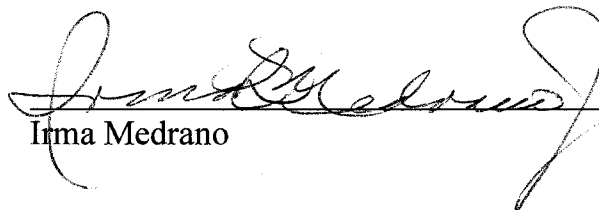
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CERTIFICATE OF MAILING AND SERVICE:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in (an) envelope(s) addressed to each of the following:

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Dated: July 6, 2006

  
Irma Medrano